

REMARKS/ARGUMENTS

Claims 1-15 are pending in this application. Claims 1-15 stand rejected. By this Amendment, claims 1 and 2 have been amended. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claim 2 is objected to for an informality. Claim 2 has been amended in accordance with the Examiner's comments. Withdrawal of the objection to claim 2 is therefore requested.

Claims 1, 2, 3, 6, 7, 10, and 12-15 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,139,000 ("Sawert"). Applicants traverse this rejection.

Among the limitations of independent claim 1 not present in Sawert are

a suction jet pump... an outlet orifice of the mixing tube is arranged in a pot, the pot being directly connected to a side wall of a vertically oriented baffle, wherein a bottom of the pot is arranged proximate to a top of the baffle, whereby the suction jet pump does not feed against a volume confined by the baffle.

As disclosed in the present specification, the claimed suction jet pump has an improved conveyance factor configured to draw fluid through a suction line. The improved conveyance factor is achieved at least in part by a portion of the mixing tube of the suction jet pump being arranged in the pot and the pot being arranged so that the suction jet pump does not have to feed against the fuel level in the baffle. The pot being arranged on the vertical baffle proximate to a top of the baffle as shown, for example, in Fig. 7 achieves this feature. It should be noted that due to the location of the pot, the suction jet pump does not feed against a volume of fuel confined by the baffle.

Sawert discloses a jet pump arranged at a bottom of a reservoir. Sawert's jet pump is arranged at the bottom of lower chamber 24. Therefore, it must feed against the entire fuel level

of the lower chamber 24 and reservoir 12. Sawert discloses a reservoir 12 with a side wall 18. A partition 22 is present in the reservoir 12 as a separate element. If partition 22 and baffle 12 were a one-piece element, it would be impossible to mount the fuel pump. Thus, the partition 22 is connected to side wall 18. In Sawert, the discharge tube 64 is sealed at the partition 22. (Sawert at col. 2, ll. 36-41). Thus, even if discharge tube 64 were a pot, which it is not, it is not directly connected to side wall 18.

The Examiner asserts that the discharge pipe 64 in Sawert corresponds to the claimed pot. This is incorrect. At best, Sawert's reservoir 12 corresponds to the claimed pot. However, given the orientation of Sawert's discharge tube 64 and reservoir 12, jet pump 56 must feed against a volume of the lower chamber 24. Further, the discharge tube 64 is not directly connected to a side wall of the baffle. Thus, because Sawert fails to disclose a suction jet pump with an outlet or orifice of the mixing tube arranged in a pot coupled to a baffle, whereby the suction jet pump does not feed against a volume of the baffle, claim 1 and its dependent claims are not anticipated by Sawert.

Further, Applicants note that claim 8 is not obvious in view of Sawert. In addition to the reasons set forth with respect to claim 1, there is no reason why one of skill in the art would form the pot integrally with the suction jet pump. Thus, claim 8 is also allowable.

Claims 1, 2, 4, 6, 7, 10, and 12 stand rejected under 35 USC §103(a) as being unpatentable over Japanese Reference JP 05-99090 ("JP '090") in view of U.S. Patent No. 6,619,927 ("Becker") and further in view of Sawert. Applicants traverse this rejection.

Among the limitations of independent claim 1 not present in the cited combination is "the pot being directly connected to a side wall of a vertically oriented baffle, wherein a bottom of the

against a volume confined by the baffle.” As disclosed in the present specification and shown for example in Figures 1, 6 and 7, the pot 8 is attached to baffle 5.

The combination of JP ‘090, Becker, and Sawert fail to disclose the above limitations. Applicants note that according to the abstract of JP ‘090 a jet pump is provided in a tank 9, which is in a tank 15. However, at no time does JP ‘090 disclose that the tank 9 is fixed to a sidewall of a vertically orientated baffle. Further, in JP ‘090, the jet pump 8 is arranged at a bottom of subcontainer 15 so that it must feed against an entire volume of the subcontainer 15. Thus, JP ‘090 fails to disclose “the pot being directly connected to a side wall of a vertically oriented baffle, wherein a bottom of the pot is arranged proximate to a top of the baffle, whereby the suction jet pump does not feed against a volume confined by the baffle.”

Becker fails to cure this deficiency in JP ‘090 because the ejector pump disclosed by Becker is also arranged at a bottom of a surge chamber 1. Thus, Becker does not show a pot directly connected to a baffle or a jet pump that does not feed against a volume of fuel. Sawert also fails to disclose what JP ‘090 and Becker lack as explained above. Therefore, claims 1, 2, 4, 6, 7, 10, and 12 are allowable over the cited combination.

The remaining references cited by the Examiner, with respect to claims 5, 9, and 11, were not added to cure the deficiencies of the primary references discussed above but to show additional limitations, which, even if they were to show, do not cure the deficiency above. As such, Applicants note that claims 5, 9, and 11 are allowable over the cited references.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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